

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 22-_____**

v. : **DATE FILED: _____**

JOSEPH RAYMOND BERGER : **VIOLATIONS:**
JOSEPH PAUL BERGER : **18 U.S.C. § 922(o) (possession of a**
: **machinegun – 1 count)**
: **26 U.S.C. §§ 5845(a)(6), 5861(d), and 5871**
: **(possession of a non-registered firearm**
: **(machinegun) – 1 count)**
: **26 U.S.C. §§ 5845(a)(7), 5861(d), and 5871**
: **(possession of a non-registered firearm**
: **(suppressor) – 1 count)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about November 2015 through on or about January 27, 2021, in
Bethlehem, in the Eastern District of Pennsylvania, defendants

**JOSEPH RAYMOND BERGER and
JOSEPH PAUL BERGER**

knowingly possessed a machine gun, as defined by Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that is, one or more of the following: 1) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015218; 2) an I.O. Inc., model Sporter, 7.62x39mm caliber machinegun, bearing serial number 024495; 3) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015322; 4) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015170; 5) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number

015330; 6) an I.O. Inc., model Sporter, 7.62x39mm caliber machinegun, bearing serial number 024497; 7) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015269; 8) a RomArm, model AES 10B, 7.62x39mm caliber machinegun, bearing serial number VR24951976; 9) a Century Arms, model C308 Sporter, .308 Winchester caliber machinegun, bearing serial number C308E05131; 10) a Century Arms, model C308 Sporter, .308 Winchester caliber machinegun, bearing serial number C308E10500; 11) a Nodak Spud, model NDS-M92, 7.62x39mm caliber machinegun, bearing serial number V000450; 12) a MKE, Model Z5-P, 9mm Luger caliber machinegun, bearing serial number T0624-15BK01915; and 13) a MKE, Model Z5-P, 9mm Luger caliber machinegun, bearing serial number T0624-15BK02008.

In violation of Title 18, United States Code, Section 922(o).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

From in or about November 2015 through on or about January 27, 2021, in Bethlehem, in the Eastern District of Pennsylvania, defendants

**JOSEPH RAYMOND BERGER and
JOSEPH PAUL BERGER**

knowingly possessed a machinegun as defined by Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b), that is, one or more of the following: 1) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015218; 2) an I.O. Inc., model Sporter, 7.62x39mm caliber machinegun, bearing serial number 024495; 3) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015322; 4) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015170; 5) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015330; 6) an I.O. Inc., model Sporter, 7.62x39mm caliber machinegun, bearing serial number 024497; 7) an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015269; 8) a RomArm, model AES 10B, 7.62x39mm caliber machinegun, bearing serial number VR24951976; 9) a Century Arms, model C308 Sporter, .308 Winchester caliber machinegun, bearing serial number C308E05131; 10) a Century Arms, model C308 Sporter, .308 Winchester caliber machinegun, bearing serial number C308E10500; 11) a Nodak Spud, model NDS-M92, 7.62x39mm caliber machinegun, bearing serial number V000450; 12) a MKE, Model Z5-P, 9mm Luger caliber machinegun, bearing serial number T0624-15BK01915; and 13) a MKE, Model Z5-P, 9mm Luger caliber machinegun, bearing serial number T0624-15BK02008, not registered to the defendants in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841.

In violation of Title 26, United States Code, Sections 5845(a)(6), (b), 5861(d),
and 5871.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

From in or about December 2020 through on or about January 27, 2021, in Bethlehem, in the Eastern District of Pennsylvania, defendants

**JOSEPH RAYMOND BERGER and
JOSEPH PAUL BERGER**

knowingly possessed a firearm as defined in Title 26, United States Code, Section 5845(a)(7), that is, one or more of -twelve separate silencers, more specifically described as any device for silencing, muffling, and diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication, which were not registered to the defendants in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841.

In violation of Title 26, United States Code, Sections 5845(a)(7), 5861(d), and 5871.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(o) and Title 26, United States Code, Section 5861(d), set forth in this indictment, defendants

**JOSEPH RAYMOND BERGER and
JOSEPH PAUL BERGER**

shall forfeit to the United States of America the firearms involved in the commission of these offenses, including, but not limited to:

1. an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015218;
2. an I.O. Inc., model Sporter, 7.62x39mm caliber machinegun, bearing serial number 024495;
3. an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015322;
4. an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015170;
5. an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015330;
6. an I.O. Inc., model Sporter, 7.62x39mm caliber machinegun, bearing serial number 024497;
7. an I.O. Inc., model Casar, 7.62x39mm caliber machinegun, bearing serial number 015269;
8. a RomArm, model AES 10B, 7.62x39mm caliber machinegun, bearing serial number VR24951976;
9. a Century Arms, model C308 Sporter, .308 Winchester caliber machinegun, bearing serial number C308E05131;
10. a Century Arms, model C308 Sporter, .308 Winchester caliber machinegun, bearing serial number C308E10500;


11. a Nodak Spud, model NDS-M92, 7.62x39mm caliber machinegun, bearing serial number V000450;
12. a MKE, Model Z5-P, 9mm Luger caliber machinegun, bearing serial number T0624-15BK01915;
13. a MKE, Model Z5-P, 9mm Luger caliber machinegun, bearing serial number T0624-15BK02008; and
14. twelve separate firearm silencers described as follows:
 - a. a six inch black colored solvent trap firearm silencer, with no serial number;
 - b. a six inch black colored solvent trap firearm silencer, with no serial number;
 - c. a six inch black colored solvent trap firearm silencer, with no serial number;
 - d. a firearm silencer constructed from a black and orange colored Fram oil filter, with no serial number;
 - e. a firearm silencer constructed from a black colored oil filter, with no serial number;
 - f. a firearm silencer constructed from a Super Tech ST3506 oil filter, with no serial number;
 - g. a firearm silencer constructed from a black colored oil filter, with no serial number;
 - h. a firearm silencer constructed from a black colored oil filter, with no serial number;
 - i. a firearm silencer constructed from a black colored oil filter, with no serial number;
 - j. a firearm silencer constructed from a black colored oil filter, with no serial number;
 - k. a firearm silencer constructed from a black colored oil filter, with no serial number; and
 - l. a firearm silencer constructed from an orange colored Fram PH3976A oil filter, with no serial number.

All pursuant to Title 26, United States Code, Section 5872, Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:



GRAND JURY FOREPERSON



JENNIFER ARBITTIER WILLIAMS
United States Attorney

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania
Criminal Division

THE UNITED STATES OF AMERICA

vs.

JOSEPH RAYMOND BERGER
JOSEPH PAUL BERGER

INDICTMENT
Counts

18 U.S.C. § 922(o) (possession of a machinegun – 1 count)
26 U.S.C. §§ 5845(a)(6), 5861(d), and 5871 (possession of non-registered
firearms – 1 count)
26 U.S.C. §§ 5845(a)(7), 5861(d), and 5871 (possession of a non-registered
suppressors – 1 count)

Notice of forfeiture

A true bill.



 open court this 15th day,
February A.D. 20 22

Clerk

Bail, \$ _____